

CITY COUNCIL REPORT



MEETING DATE: November 15, 2005

ITEM NO. 3

GOAL: Coordinate Planning to Balance Infrastructure

SUBJECT

Jamaican Blue - 5-UP-2004#2

REQUEST

Request to renew the current conditional use permit and modify the existing stipulations for a Bar in a suite of the existing building located at 4017 N. Scottsdale Road with Downtown, Retail Specialty Type 1 District, Downtown Overlay (D/RS-1 DO) zoning.

Key Items for Consideration:

- Remove stipulation requiring the bar to re-apply for a new use permit on a yearly basis.
- No Live Entertainment is proposed with this application.
- No change in the volume or character of traffic.
- Parking requirements are achieved through on-site parking and with the in-lieu parking program.
- Proposal meets all use permit criteria.
- Planning Commission recommended approval, 4-0.

Related Policies, References:

42-ZN-94, 54-DR-91, 54-DR-91#2, and 5-UP-2004.

OWNER

Jamaican Blue
480-947-2160

APPLICANT CONTACT

Robert Fetters
Jamaican Blue
602-703-4488

LOCATION

4017 N. Scottsdale Road, Suite 104

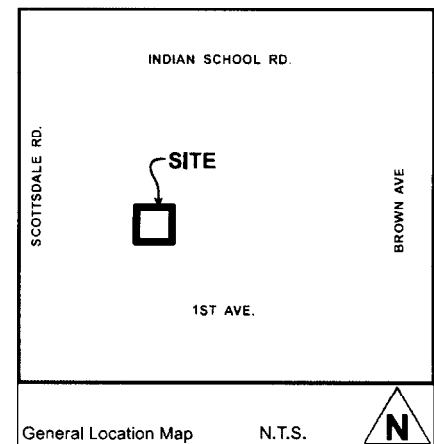
BACKGROUND

Zoning.

The site is zoned Downtown Retail Specialty –Type 1, Downtown Overlay (D/RS-1, DO) that allows for a bar with a conditional use permit.

Context.

The site is located at the northeast corner of Scottsdale Road and First Avenue within the Old Town Pueblo development. The existing development contains The Pita House, Schlotzsky's, and a tattoo shop in an approximately 5,300 sq. ft. building. The development is located in Downtown Scottsdale, which consists of a variety of daytime and nighttime uses. The property is surrounded by retail, office, personal services, and eating/drinking establishments.



History.

The City Council approved a bar conditional use permit at this location on April 14, 2004, with case 5-UP-2004. The case was approved with a stipulation stating the conditional use permit expired in one year and the applicant would need to re-apply. To meet the stipulation, the applicant is re-applying for the conditional use permit with this case.

**APPLICANT'S
PROPOSAL**

Goal/Purpose of Request.

The request is for a bar conditional use permit and to remove the stipulation stating the conditional use permit expires in one year and the applicant would need to re-apply. The business has not changed in size and does not function differently compared to the application reviewed a year ago. Currently, the existing business still offers a full line of coffee, tea, cakes, and bulk coffee/tea. The applicant will continue to sell these items as well as the current alcohol on the menu. As it has done in the last year, the establishment will be open to serve coffee everyday from 6 a.m. to 1 a.m. and liquor will be served daily from 10 a.m. to 1 a.m. No live entertainment has been proposed with this application.

Development information.

- *Existing Use:* Existing Jamaican Blue coffee house
- *Buildings/Description:* Old Town Pueblo development (approx. 5,356 sq. ft. - total area) coffee house located in one of the suites.
- *Parcel Size:* .40 acres (16,075 sq. ft.)
- *Floor Area of Jamaican Blue:* 1,288 sq. ft.
- *Patio:* no outdoor patio

IMPACT ANALYSIS

Traffic.

This is an existing use and no change to the size of the establishment or operations use is proposed. There are no additional traffic impacts anticipated with this use.

Parking.

The bar is required to have 17 parking spaces ($1,288 \text{ sq. ft.} / 80 = 16.1$) to meet the zoning ordinance parking requirement. The applicant has provided 11 parking spaces on site and has leased the remaining 6 parking spaces from the in-lieu parking program.

Police.

The Police Department reviewed and approved the establishment's Security and Maintenance one year ago. The Police have not received any calls regarding the business within the last year.

Use Permit Criteria.

Conditional use permits, which may be revocable, conditional, or valid for a specified time period, may be granted only when expressly permitted after the Planning Commission has made a recommendation and the City Council has

found as follows:

- A. That the granting of such conditional use permit will not be materially detrimental to the public health, safety or welfare. In reaching this conclusion, the Planning Commission and the City Council's consideration shall include, but not be limited to, the following factors:
 1. Damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination.
 - *The proposed establishment has not caused damage or nuisance from smoke, odor, dust, vibration, or illumination during its past year in operation. No Live Entertainment is proposed and no new lights have been added to the property.*
 2. Impact on surrounding areas resulting from an unusual volume or character of traffic.
 - *There is adequate street capacity to absorb the trips generated from the proposed bar use, therefore no significant change in the volume or character of traffic is expected if the bar is approved.*
 3. There are no other factors associated with this project that will be materially detrimental to the public.
 - *No other detrimental factors will occur with the approval of the proposed bar use.*
- B. The characteristics of the proposed conditional use are reasonably compatible with the types of uses permitted in the surrounding areas.
 - *The site is located within Downtown Scottsdale, which consists of a variety of daytime and nighttime uses. The use is reasonably compatible with the types of uses permitted in the surrounding area as the entire Downtown strives for a mix of uses.*
 - *There was a concern raised last year about serving alcohol at Jamaican Blue when another bar already exists on the property immediately to the east. There have been no impacts in the past year attributable to the Jamaican Blue conditional use permit.*
- C. The additional conditions specified in Section 1.403, as applicable, have been satisfied.
 1. Use will not disrupt existing balance of daytime and nighttime uses. *The bar is located in the Downtown that consists of a mix of uses. The proposed bar will provide another after-work destination or nighttime establishment with alcohol. There are also a variety of other restaurant/bars in the immediate area including Patti's, Tappas Restaurant, The Rusty Spur, The Original Grapevine, Bandaras, The Pita House, and Schlotzsky's.*
 2. Use will not disrupt pedestrian-oriented daytime activities. *Currently, the business is located in the existing Old Town Pueblo development in Downtown that was designed to meet the Downtown Design Guidelines. The applicant is not proposing any exterior changes that would disrupt pedestrian movement.*

3. Use will not encourage displacement of daytime retail uses unless it can be demonstrated that the proposed use will promote diversity of first floor uses along the street.
The bar has been in business in this location for over one year. The new use does not encourage the displacement of daytime retail uses and has promoted additional nighttime activity in this area.
4. An active management and security plan shall be implemented and maintained for the business.
The Police Department has reviewed and approved the applicant's Security and Maintenance Plan one year ago. They have not received any calls related to the business within the last year.
5. Use shall not adversely impact existing adjacent properties for residential uses.
Currently, there are no residential uses next to or near the proposed use. The closest hotels are James Hotel to the east, and the Rodeway Inn to the west.
6. Applicant shall demonstrate how noise and light generated by the use will be mitigated.
The applicant has no live entertainment and is not proposing any with this application. There are also no plans to change to either the interior or exterior lighting.
7. Applicant shall demonstrate that the use will not exceed capacity for parking and traffic in the area.
There is adequate street capacity to absorb the trips generated from the proposed bar. Parking requirements for a bar have been satisfied through 11 on-site parking spaces and through 6 leased parking spaces through the in-lieu parking program.
8. Required parking for the use shall be within 600 feet of the property and shall not be separated from the property by an arterial street.
All required parking for the establishment is on-site or satisfied through the in-lieu parking program.
9. After Hours Establishments must maintain a valid after hours establishment license.
The applicant is not proposing any after hours with this application.

Community Involvement.

In March 2005, the applicant sent out a letter to all property owners within 750 feet of the property explaining the application. Following the mailing, the applicant received no verbal or written responses. At the time of drafting this report, Staff has not received any feedback from the public regarding this project.

Community Impact.

- The bar is consistent with the mix of uses found in Downtown, but the new bar establishes a row of three restaurant/bars on the same side of the street (Jamaican Blue, Patty's and Tappas Restaurant).
- The Security and Maintenance Plan is the same as the one submitted last year and approved by the Police Department.
- Parking is satisfied with 11 on-site parking and with 6 parking spaces leased through the in-lieu parking program.
- The proposed use, as stipulated, conforms to the use permit criteria in the zoning ordinance.

OTHER BOARDS AND COMMISSIONS**Planning Commission.**

On October 19, 2005, the Planning Commission heard this case on the expedited agenda and recommended approval, 4-0.

STAFF RECOMMENDATION**Recommended Approach:**

Staff recommends approval, subject to the attached stipulations.

RESPONSIBLE DEPT(S)


Planning and Development Services Department
Current Planning Services

STAFF CONTACT(S)

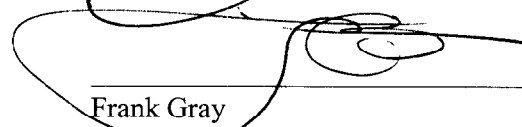
Mac Cummins, AICP
Senior Planner
480-312-7059
E-mail:
mcummins@ScottsdaleAZ.gov

Randy Grant
Chief Planning Officer
480-312-7995
E-mail: rgrant@ScottsdaleAZ.gov

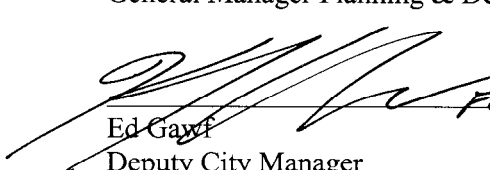
APPROVED BY


Randy Grant
Chief Planning Officer

10/31/05
Date


Frank Gray
General Manager Planning & Development Services

10.31.05
Date


Ed Gawn
Deputy City Manager

FOR: 11/1/05
Date

ATTACHMENTS

1. Applicant's Narrative
2. Context Aerial
- 2A. Aerial Close-Up
3. Land Use Map
4. Zoning Map
5. Stipulations
6. Citizen Involvement
7. City Notification Map
8. Site Plan
9. October 19, 2005 Planning Commission Minutes

PROJECT NARRATIVE

For 10 years, Jamaican Blue has offered a safe, relaxing atmosphere for people to gather and socialize. We offer a full line of coffee and tea drinks, pastry, bulk coffee and tea, beer and wine. We have successfully offered this new concept to Scottsdale Downtown for the past year, and have been recognized in The New York Times 3/20/05 edition as being one of the top 20 places to visit in Scottsdale.

I do not believe that it will have any effect on the balance of daytime or nighttime uses in the neighborhood, since we are only looking to recover lost business. Historically, Jamaican Blue had 1/2 to 2/3 of its business after 8pm, which is why I do not foresee excessive increase in the daytime business. Therefore, there would be no noticeable effect on local retail businesses, as it relates to parking, or traffic on 1st Ave. or Scottsdale Rd. 2/3 of our business would be coming in well after the local retail merchants close (around 5 or 6pm).

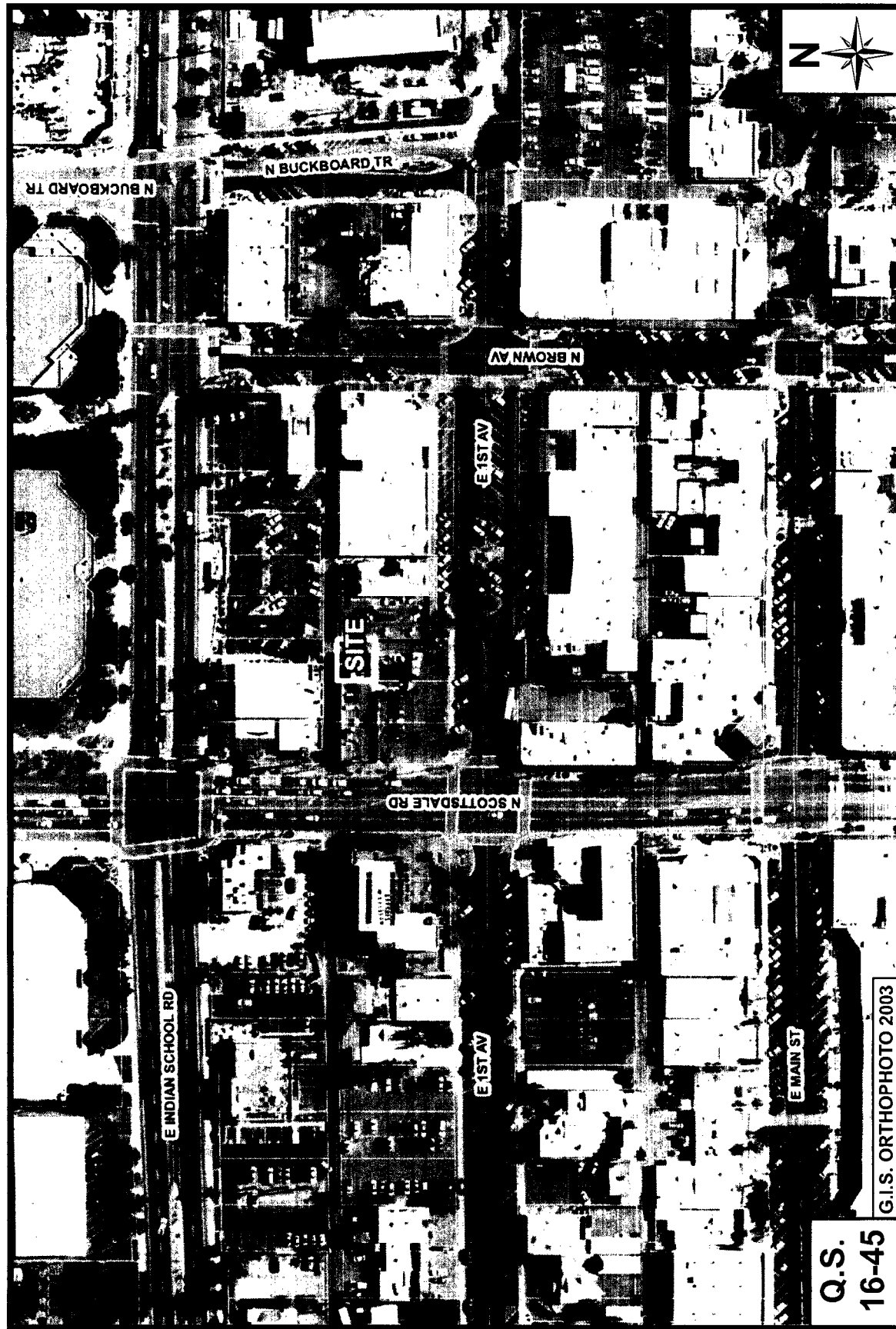
For 2 reasons, neighboring restaurants (namely Pita House and Schlotzsky's), are happy with the addition of alcohol to my menu. This allows all 3 restaurants to co-exist in a harmonious, complimentary relationship – on the Old Town Pueblo premises. In addition, there are no residential districts located near my business. The closest thing to residential would be the new James Hotel whose target market and expanding focus on social interaction directly matches the demographic make-up of my clientele. There are no current plans for any changes to either interior or exterior lighting. This application contains no outdoor activities. Since inception in 1994, my establishment has been required to be “parked” as a restaurant. In fact, my restaurant has the required 11 spaces on site (see “Parking Lot” drawing). A Management Security Plan with a schedule posting names, positions, and hours shall be posted and available for review onsite at all times.

Regarding Scottsdale's goal for success in the future, per the Morrison Institute's report “Which Way Scottsdale”, Jamaican Blue's uniqueness fits right in with “Scottsdale 2.0”. As the Report notes, Scottsdale should be fostering “magnet” businesses, which provide “unique urban amenities”. Where can you go where the atmosphere is tailored for social interaction, where you can have a coffee or a glass of wine, while getting a psychic reading? How many provide these “amenities” available to locals and visitors alike, virtually anytime of day or night, with wireless Internet access for the businessman or the college student (“live-work spaces” as the Report cites)? Only Jamaican Blue provides this atmosphere. When the Report cites “quality of place”, meaning ‘something different and something more’, I believe that Jamaican Blue fits this mold, since the report says that Scottsdale has to “focus on the somewhat ‘funky’ to help reposition downtown.” I believe the recent recognition in The New York Times supports my premise.

The Report cites a “Talent War” where the importance of attracting ‘talent’ in their 20s & 30s cannot be overlooked. Demographically, Jamaican Blue attracts these groups. Furthermore, Scottsdale “needs places and amenities that attract people in their 20's and 30's, which are among the most important indicators in the new economic model.” “Talented and creative people want to be where the ‘interaction’ is, and in a place that facilitates spontaneous dialogue and easy interaction”. Jamaican Blue has always had a reputation for customer interaction, “where talented and creative people find unique life experiences.” The Report states that “over 40% of Scottsdale residents surveyed see the City losing its unique identity,” and “most Americans have a renewed yearning for neighborhood scale ‘places’ where they can have informal meetings and feel connected to their community”. Jamaican Blue helps Scottsdale retain its uniqueness.

Other reports indicate that Arizona is seeking to strengthen its market in the motion picture industry. There have been approximately 15 Independent films shot at Jamaican Blue, as well as National TV shows, and Music Videos for VH-1, MTV & European MTV. National Publications, such as Playboy have recognized Jamaican Blue as a local “hot spot” in Scottsdale. Few, if any, of the national chains have given the City this much exposure. I'm not asking for a “hand-out”, just a tool in the ever-changing marketplace to support my continued existence.

Our unique contributions to Downtown is why we are now requesting that the yearly stipulation for review of our Use Permit be removed.



Jamaican Blue

5-UP-2004#2

ATTACHMENT #2



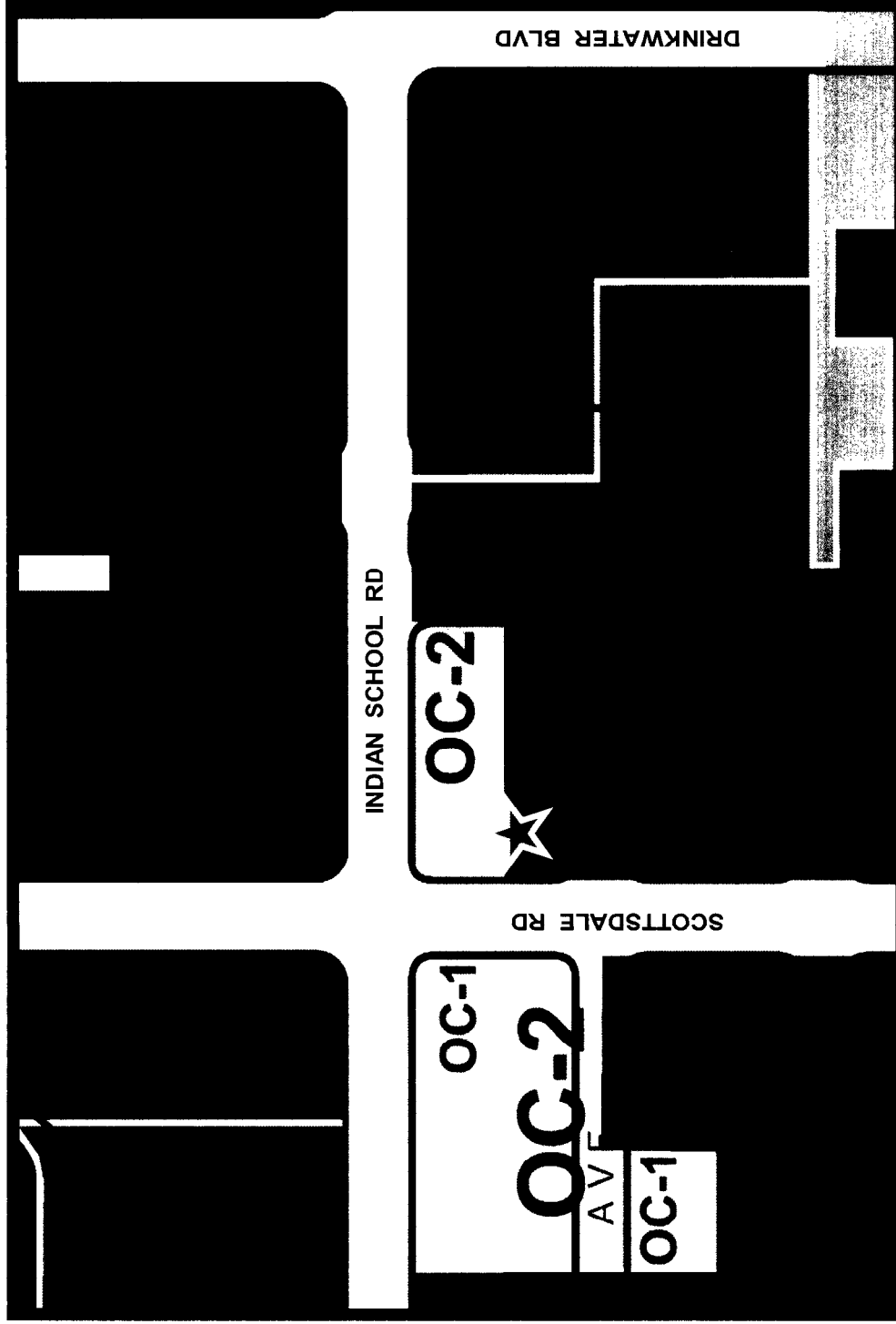
Q.S.
16-45

Jamaican Blue

5-UP-2004#2

ATTACHMENT #2A

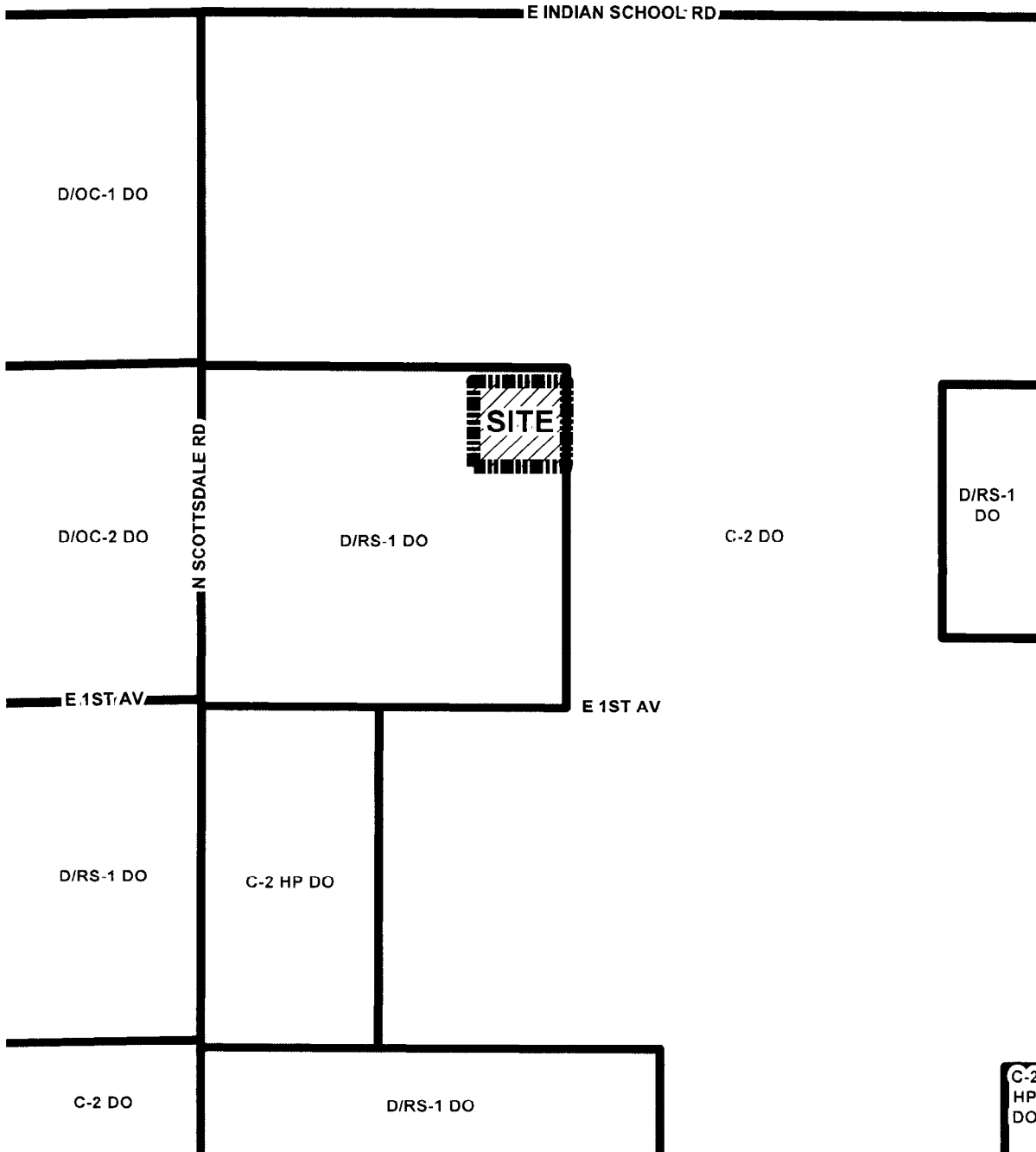
Downtown General Plan



	Retail Specialty		Residential/Hotel
	Office Commercial		Regional Commercial/Office
	Civic Center		Residential High Density
	Office Residential		Medical

5-UP-2004#2
ATTACHMENT #3

D/OR-2 PBD DO



5-UP-2004#2

ATTACHMENT #4

STIPULATIONS FOR CASE 5-UP-2004#2

PLANNING/ DEVELOPMENT

1. OPERATIONS. All operations on site shall comply with the following:

- a. No live entertainment is approved with this use permit. Any live entertainment proposed at the establishment shall apply for a Live Entertainment use permit.
- b. All amplified music shall be not heard or have measurable noise emitted past the property line. All external doors shall remain closed, but not locked during operating hours.
- c. There shall be no amplified music between the hours of 2:00 a.m. and 8:00 a.m.
- d. The bar operator(s) / merchant(s) shall maintain and conform to the Public Security and Maintenance Plan approved by the Scottsdale Police Department on record with the City of Scottsdale and shall keep a copy on site.
- e. The bar operator(s) / merchant(s) shall maintain and conform to the refuse and litter control plan approved by the City of Scottsdale's Planning and Development Services Department and applicable departments on record with City of Scottsdale and keep a copy on site. The bar operator(s) / merchant(s) shall remove and dispose of litter and debris assure daily, to the satisfaction of city staff.

March 15, 2005

Subject: Jamaican Blue Coffee House
4017 N. Scottsdale Rd. Ste. 104
Scottsdale, AZ 85251
Series 7 (Beer and Wine) License
Zoning: D/RS-1
1288 SF (Net lot size: 5356SF/0.12AC)

Dear Neighbor,

Attached you will find the Site Plan and Project Narrative for my Series 7 Liquor License Application to the City of Scottsdale for my Jamaican Blue Coffee House.

Please be advised that there will be a hearing at the Scottsdale City Council. Please contact Bill Verschuren (ph: 480-312-7734) at the City of Scottsdale with any questions.

Best regards,

Dennis Holden
President
Jamaican Blue

ATTACHMENT #6

JAMAICAN BLUE COFFEE HOUSE
4017 N. SCOTTSDALE RD. STE. 104
SCOTTSDALE, ARIZONA 85251

PROJECT NARRATIVE

For 10 years, Jamaican Blue has offered a safe, relaxing atmosphere for people to gather and socialize. We offer a full line of coffee and tea drinks, pastry, bulk coffee and tea, beer and wine. We have successfully offered this new concept to Scottsdale Downtown for the past year, and have been recognized in The New York Times 3/20/05 edition as being one of the top 20 places to visit in Scottsdale.

I do not believe that it will have any effect on the balance of daytime or nighttime uses in the neighborhood, since we are only looking to recover lost business. Historically, Jamaican Blue had 1/2 to 2/3 of its business after 8pm, which is why I do not foresee excessive increase in the daytime business. Therefore, there would be no noticeable effect on local retail businesses, as it relates to parking, or traffic on 1st Ave. or Scottsdale Rd. 2/3 of our business would be coming in well after the local retail merchants close (around 5 or 6pm).

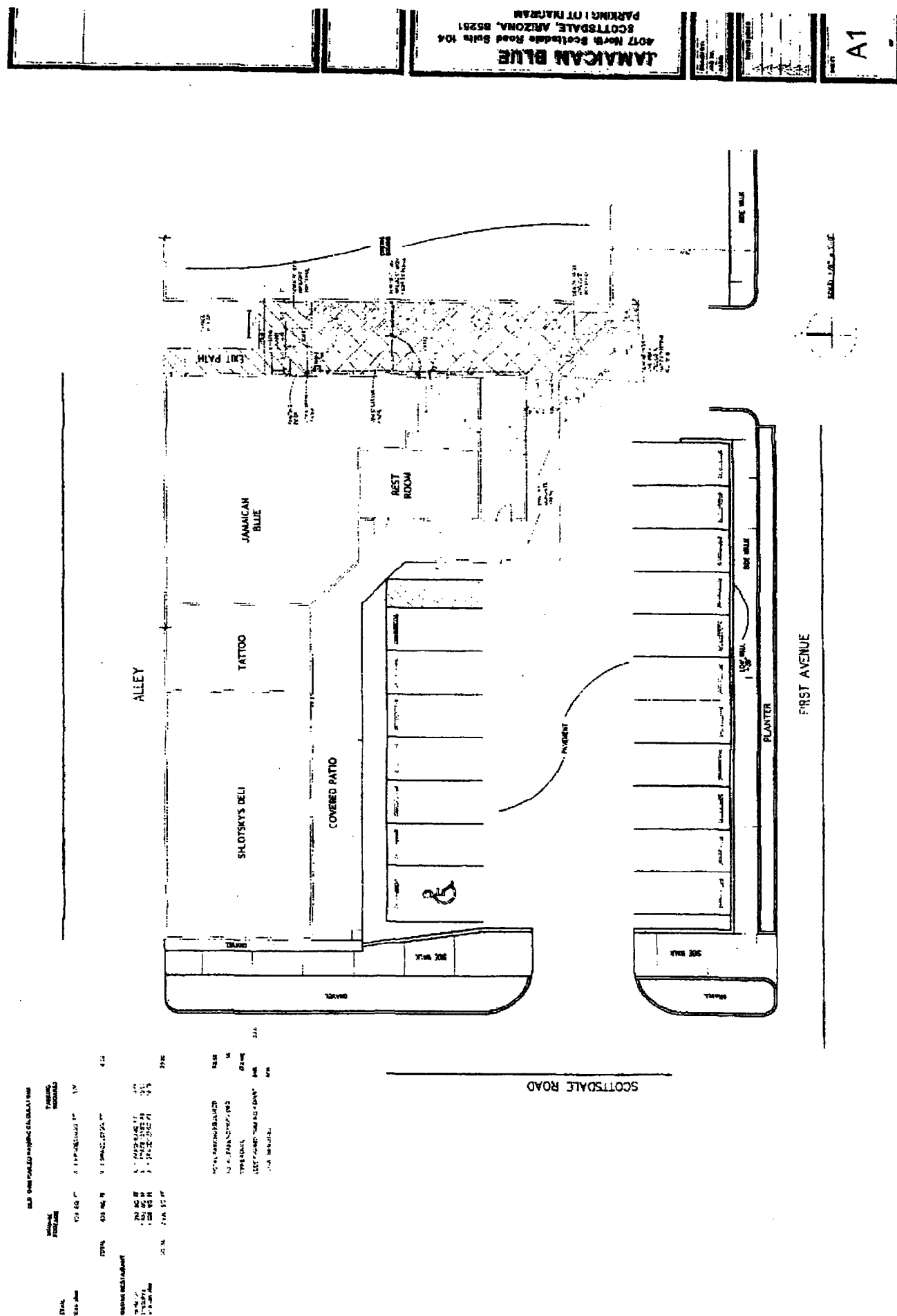
For 2 reasons, neighboring restaurants (namely Pita House and Schlotzsky's), are happy with the addition of alcohol to my menu. This allows all 3 restaurants to co-exist in a harmonious, complimentary relationship – on the Old Town Pueblo premises. In addition, there are no residential districts located near my business. The closest thing to residential would be the new James Hotel whose target market and expanding focus on social interaction directly matches the demographic make-up of my clientele. There are no current plans for any changes to either interior or exterior lighting. This application contains no outdoor activities. Since inception in 1994, my establishment has been required to be “parked” as a restaurant. In fact, my restaurant has the required 11 spaces on site (see “Parking Lot” drawing). A Management Security Plan with a schedule posting names, positions, and hours shall be posted and available for review onsite at all times.

Regarding Scottsdale's goal for success in the future, per the Morrison Institute's report “Which Way Scottsdale”, Jamaican Blue's uniqueness fits right in with “Scottsdale 2.0”. As the Report notes, Scottsdale should be fostering “magnet” businesses, which provide “unique urban amenities”. Where can you go where the atmosphere is tailored for social interaction, where you can have a coffee or a glass of wine, while getting a psychic reading? How many provide these “amenities” available to locals and visitors alike, virtually anytime of day or night, with wireless Internet access for the businessman or the college student (“live-work spaces” as the Report cites)? Only Jamaican Blue provides this atmosphere. When the Report cites “quality of place”, meaning ‘something different and something more’, I believe that Jamaican Blue fits this mold, since the report says that Scottsdale has to “focus on the somewhat ‘funky’ to help reposition downtown.” I believe the recent recognition in The New York Times supports my premise.

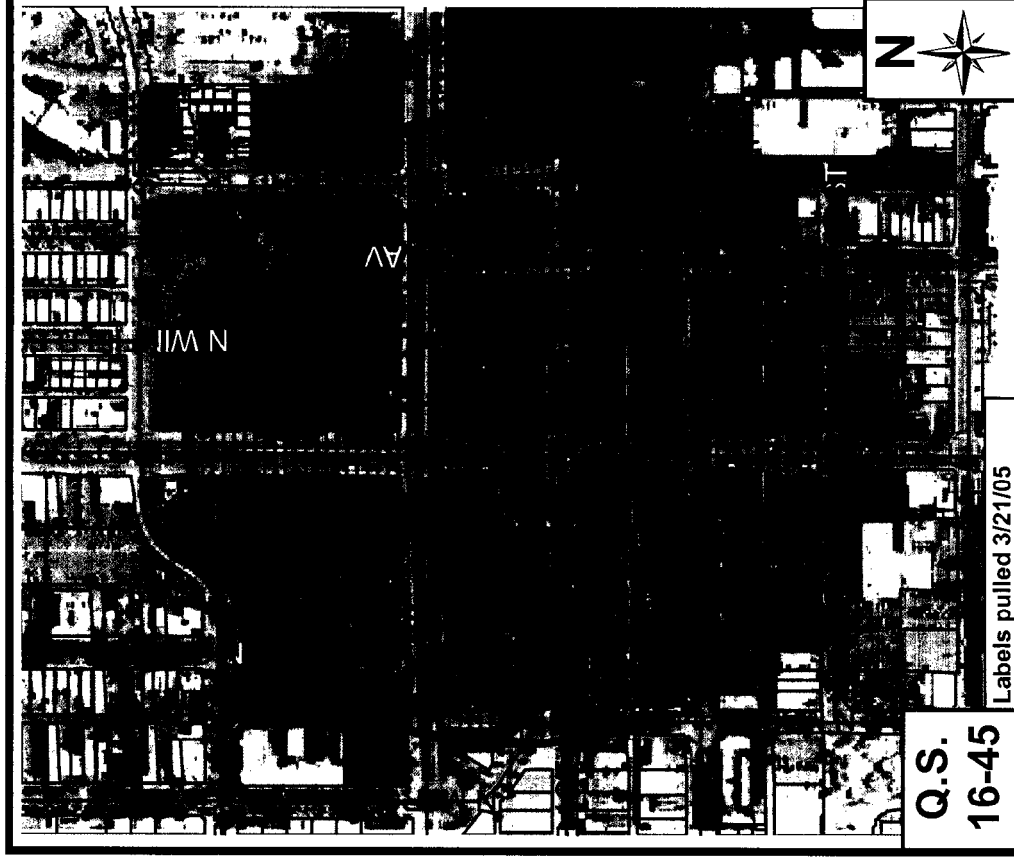
The Report cites a “Talent War” where the importance of attracting ‘talent’ in their 20s & 30s cannot be overlooked. Demographically, Jamaican Blue attracts these groups. Furthermore, Scottsdale “needs places and amenities that attract people in their 20's and 30's, which are among the most important indicators in the new economic model.” “Talented and creative people want to be where the ‘interaction’ is, and in a place that facilitates spontaneous dialogue and easy interaction”. Jamaican Blue has always had a reputation for customer interaction, “where talented and creative people find unique life experiences.” The Report states that “over 40% of Scottsdale residents surveyed see the City losing its unique identity,” and “most Americans have a renewed yearning for neighborhood scale ‘places’ where they can have informal meetings and feel connected to their community”. Jamaican Blue helps Scottsdale retain its uniqueness.

Other reports indicate that Arizona is seeking to strengthen its market in the motion picture industry. There have been approximately 15 Independent films shot at Jamaican Blue, as well as National TV shows, and Music Videos for VH-1, MTV & European MTV. National Publications, such as Playboy have recognized Jamaican Blue as a local “hot spot” in Scottsdale. Few, if any, of the national chains have given the City this much exposure. I'm not asking for a “hand-out”, just a tool in the ever-changing marketplace to support my continued existence.

Our unique contributions to Downtown is why we are now requesting that the yearly stipulation for review of our Use Permit be removed.



City Notifications – Mailing List Selection Map



Map Legend:



Site Boundary



Properties within 750-feet

Additional Notifications:

- Interested Parties
- South Scottsdale Redevelopment Force

Jamaican Blue

5-UP-2004#2

ATTACHMENT #7

CONTINUANCES

2. 15-ZN-2005 (Silverstone)
3. 13-UP-2005 (Scottsdale & Pinnacle Peak Mxd)
4. 15-AB-2004 (Biel Property)
5. 11-AB-2005 (Hettinger Abandonment)
6. 6-AB-2005 (Pinnacle Peak Place)
7. 7-AB-2005 (Pinnacle Peak Place)

COMMISSIONER SCHWARTZ MOVED TO CONTINUE CASE 15-ZN-2005 TO NOVEMBER 9TH, 2005; 13-UP-2005 TO THE NOVEMBER 9TH, 2005 MEETING; 15-AB-2004 TO A DATE TO BE DETERMINED; 11-AB-2005 TO NOVEMBER 9TH, 2005; 6-AB-2005 TO A DATE TO BE DETERMINED; 7-AB-2005 TO OCTOBER 26TH, 2005.

THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0).

EXPEDITED AGENDA

8. 5--UP-2004#2 (Jamacian Blue)
9. 13-AB-2005 (DeAtley Residence)
10. 15-AB-2005 (Schell GLO Abandonment)

Chairman Gulino confirmed that all questions by Commissioners regarding case number 15-AB-2005 had been answered satisfactorily.

Mr. Spiro requested a staff presentation. Mr. Williams presented the case per the staff packet, reiterating that the Applicant has agreed to maintain the northern boundary easement and is no longer seeking abandonment of that portion of the property.

Leon Spiro, addressed the Commission and Ms. Bronski, expressing his opinions and opposition to approval of GLO abandonments.

Upon invitation by Chairman Gulino, Ms. Bronski recalled a presentation to City Council by outside counsel that was requested by Mr. Spiro and noted that as a result, Council renewed their policy of investigating and considering, on a case-by-case basis, whether or not to abandon GLO easements. She reminded Commissioners that this is the directive received from Council.

Chairman Gulino reiterated that the purpose of the Planning Commission is to discuss the land use issues associated with the abandonments; not the legal

issues. Ms. Bronski confirmed that it is the purview of the Council to consider the legal issues.

Upon no further comments or questions,

COMMISSIONER SCHWARTZ MOVED TO APPROVE CASE 5-UP-2004#2 BECAUSE IT MEETS THE SPECIAL USE REQUIRMENTS; CASE 13-AB-2005 AND CASE 15-AB-2005. THE MOTION WAS SECONDED BY COMMISSIONER STEINKE AND CARRIED UNANIMOUSLY WITH A VOTE OF FOUR (4) TO ZERO (0).

WRITTEN COMMUNICATION

None.

ADJOURNMENT

With no further business to discuss, the regular meeting of the Scottsdale Planning Commission adjourned at 5:15 p.m.

Respectfully submitted,
AV-Tronics, Inc.

APPROVED